

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOSEPH GREGORY DUNBAR,

Plaintiff,

v.

UNKNOWN HUYGE, et al.,

Defendants.

Case No. 1:18-cv-1355

HON. JANET T. NEFF

OPINION AND ORDER

Plaintiff initiated this prisoner civil rights action on December 6, 2018. On December 13, 2018, Plaintiff filed a Motion for a Preliminary Injunction (ECF No. 3), seeking to be “transferred to a federal prison” (*id.* at PageID.48). Further, on February 22, 2018, Plaintiff filed a Motion to Transfer to New Facility (ECF No. 8). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation (R&R), recommending this Court deny Plaintiff’s motions. The matter is presently before the Court on Plaintiff’s objections to the Report and Recommendation. In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objections have been made. The Court denies the objections and issues this Opinion and Order.

The Magistrate Judge identified the proper elements for the issuance of preliminary injunctive relief and properly applied the multi-factor balancing test to the facts alleged in the motions at bar. Plaintiff’s objections fail to demonstrate any factual or legal error by the Magistrate Judge in recommending that this Court deny the motions. Indeed, Plaintiff’s objections do not

challenge the Magistrate Judge's analysis in any specific way. The failure to lodge sufficiently specific objections is sufficient basis, standing alone, for this Court to adopt the Magistrate Judge's Report and Recommendation. *See Cowherd v. Million*, 380 F.3d 909, 912 (6th Cir. 2004) ("Generally, the failure to file specific objections to a magistrate's report constitutes a waiver of those objections."). *See also* W.D. Mich. LCivR 72.3(b) (requiring an objecting party to "specifically identify the portions of the proposed findings, recommendations or report to which objections are made and the basis for such objections"). Additionally, the Court agrees that the factors, on balance, do not weigh in favor of issuing the requested preliminary injunctive relief in this case. Accordingly, this Court adopts the Magistrate Judge's Report and Recommendation as the Opinion of this Court. Further, because this action was filed *in forma pauperis*, this Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal of this decision would not be taken in good faith. *See McGore v. Wigglesworth*, 114 F.3d 601, 610 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007). Therefore:

IT IS HEREBY ORDERED that the Objections (ECF No. 13) are DENIED and the Report and Recommendation of the Magistrate Judge (ECF No. 11) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that Plaintiff's Motion for a Preliminary Injunction (ECF No. 3) and Motion to Transfer to New Facility (ECF No. 8) are DENIED for the reasons stated in the Report and Recommendation.

IT IS FURTHER ORDERED that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith.

Dated: April 23, 2019

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge